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SENATE

{ REPORT  
107-184

### LONG WALK NATIONAL HISTORIC TRAIL STUDY ACT

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JUNE 27, 2002.—Ordered to be printed

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Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany H.R. 1384]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1384) to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes new forced to walk in 1863 and 1864, for study for potential addition to the National Trails System, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

#### PURPOSE

The purpose of H.R. 1384 is to amended the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System.

#### BACKGROUND AND NEED

In 1862, General James Carleton, commander of the military in Arizona and New Mexico, planned to force the Navajo people to live on a reservation under military guard. General Carleton's plan for the reservation was put into action by Colonel Christopher (Kit) Carson, who lead the military campaign against the Navajo people. Beginning in the fall of 1863, approximately 8,000 Navajos and 500 members of the Mescalero Apaches were forced to march 350 miles from their land in northeastern Arizona and northwestern New Mexico to the Bosque Redondo, located at Fort Sumner, in the eastern region of New Mexico.

The site of the reservation on the Pecos River turned into a prison camp for the Native Americans. As a result of the poor condi-

tions, thousands died of starvation, malnutrition, exposure to extreme temperatures, and disease. Some perished en route to the camp while other died upon arrival.

The Navajos were held in the camp for 4 years before the U.S. Government allowed them to leave the fort. Ultimately, President Ulysses Grant issued an Executive Order demanding an end to the military suppression and the Treaty of 1868 was signed, which allowed the Navajos to return home and recognized the Navajo Nation as it exists today.

The Long Walk trail is located within a corridor that includes National Park System units at Canyon de Chelly National Monument in Arizona, Fort Union National Monument in New Mexico, and Bureau of Land Management lands in New Mexico, including El Malpais National Conservation Area and Kasha-Katuwe Tent Rocks National Monument. The route the Army followed went from Canyon de Chelly, Arizona, to south of Albuquerque, New Mexico.

H.R. 1384 authorizes the Department of the Interior to undertake a study of the Long Walk trail to determine its suitability and feasibility for potential addition to the National Trails System.

#### LEGISLATIVE HISTORY

H.R. 1384 was introduced by Representative Tom Udall on April 3, 2001. It passed the House of Representatives by voice vote on October 2, 2001. The Subcommittee on National Parks held a hearing on H.R. 1384 on March 7, 2002. The Committee on Energy and Natural Resources ordered H.R. 1384 favorably reported at its business meeting on June 5, 2002.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on June 5, 2002, by a voice vote of a quorum present, recommends that the Senate pass H.R. 1384.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* entitles the Act the “Long Walk National Historic Trail Study Act.”

*Section 2* sets forth congressional findings.

*Section 3* amends section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) by designating the Navajo Long Walk Trail for study for potential addition to the National Trails System.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 11, 2002.*

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1384, the Long Walk National Historic Trail Study Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact for this estimate is Deborah Reis.

Sincerely,

STEVEN LIEBERMAN  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 1384—Long Walk National Historic Trail Study Act*

H.R. 1384 would amend the National Trails System Act (NTSA) to add the Long Walk Trail to the list of routes to be studied for possible inclusion in the National Trails System. Under the NTSA, the Secretary of the Interior would have three years to conduct a study of the trail, which is composed of several routes located in Arizona and New Mexico.

Based on information provided by the National Park Service and assuming appropriation of the necessary amount, CBO estimates that it would cost of the federal government about \$400,000 over the next three years to conduct the required study. H.R. 1384 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The act contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On September 21, 2001, CBO prepared a cost estimate for H.R. 1384 as ordered reported by the House Committee on Resources on September 12, 2001. The two versions of the legislation are identical, as are our cost estimates.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1384. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1384.

## EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth Executive agency recommendations relating to H.R. 1384 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, DC, March 11, 2002.*

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This letter sets forth the views of the Department of Interior on H.R. 1384, a bill to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential additional to the National Trails System.

The Department supports H.R. 1384, as passed by the House. However, the Department did not request additional funding for this study in Fiscal Year 2003. We believe that any funding requested should be directed toward completing previously authorized studies. Presently, there are 40 studies pending, of which we hope to transmit 15 to Congress by the end of 2002. New studies can eventually result in new designations, and we believe that it is important to focus our resources on working down the deferred maintenance backlog at existing parks. Of the studies underway during the ten year period between 1989 and 1998, NPS has transmitted 79 studies to Congress. These 79 studies resulted in 15 new NPS units, 14 heritage areas, and 10 other types of designations or programs. To plan for the future of our National Parks, the Administration will identify in each study the costs to establish, operate, and maintain the site should it result in a future designation.

The Department testified on May 8, 2001, before the Subcommittee on National Parks, Recreation, and Public Lands, of the House Committee on Resources, that we could not support this bill as originally written. As introduced, H.R. 1384 designated the Navajo Long Walk as a national historic trail. However, the National Trails System Act, Public Law 90-543, requires that a desirability and feasibility study be conducted and submitted to Congress before a trail can be established and a study has not been completed on this trail. H.R. 1384, as passed by the House, amends the National Trails System Act by authorizing a suitability and feasibility study on the series of routes which Navajo and Mescalero Apache Indian tribes walked beginning in the fall of 1863 as a result of their removal by the United States government from their ancestral lands, generally located within a corridor extending through portions of Canyon de Chelly, Arizona, and Albuquerque, Canyon Blanco, Anton Chico, Canyon Piedra Pintado, and Fort Sumner, New Mexico.

The story of the Long Walk came at a time in U.S. history when the military was called upon to remove Indian people from their homelands. In the 1850's and 60's more and more Americans were moving west into New Mexico, home of the Navajo people. Repeated clashes resulted in the decision to move the Navajo away

from their ancient homeland to a reservation and teach them farming and Western European standards of self-sufficiency. The army destroyed crops and orchards, starving the Navajo into submission. There were several successive marches of the Navajo through the cold of winter to the heat of summer. The aged and infirm often died along the way even though wagons were sometimes provided. Broken and dispirited after their defeat in their homeland, the Long Walk was particularly grueling and hard on all of the Navajo people, even those who survived.

The destination of the Long Walk was a reservation at Fort Sumner, New Mexico, called Bosque Redondo (Round Grove), which was shared with Mescalero Apache people. More than 7,000–8,000 Navajo people were eventually placed on the reservation. Although seeds were provided and the Navajo planted them immediately, there was never any success in growing crops. Due to a lack of timber for both shelter and firewood, living conditions were poor. Additionally, the Navajo and Mescalero Apache did not get along and by 1866 the Apache had deserted the reservation. By 1868 conditions were so bad that a government commission was appointed to investigate the conditions at Bosque Redondo. General W.T. Sherman, commanding the Military Division of the Missouri, ordered the Navajo back to their homelands in June of 1868, after a treaty granting them their old homelands had been signed.

The Long Walk Trail is located within a corridor that includes National Park System units at Canyon de Chelly National Monument in Arizona and Fort Union National Monument in New Mexico and Bureau of Land Management (BLM) managed lands in New Mexico including El Malpais National Conservation Area and Kasha-Katuwe Tent Rocks National Monument. The route the army followed went from Canyon de Chelly, Arizona, to south of Albuquerque, New Mexico. From there several routes continued directly and indirectly to the Bosque Redondo at Fort Sumner on the Pecos River.

The story of the Long Walk is being told in a number of ways through the efforts of the State of New Mexico and the Navajo Nation. For a number of years, the Navajo people have made pilgrimages to the Bosque Redondo. Plans are currently underway for a memorial and visitor center at Fort Sumner State Monument. Legislation that passed in the 106th Congress (Title II of P.L. 106–511) authorizes funding from the Defense Department to match state funds for the establishment and development of the memorial and visitor center. The legislation also authorizes the National Park Service to work with the Navajo Nation and the Mescalero Tribe to develop a symposium on the Long Walk and a curriculum for New Mexico schools.

Any further federal involvement should consider more than whether or not the Long Walk has sufficient resources and integrity to meet the standards set for establishing National Historic Trails. A study should identify other options that best tell the story as well as identify the critical resources to that story. But most importantly, any work has to consider the concerns, values and wishes of the Native Americans affected by these tragic events. Therefore, while a study to determine the suitability of national historical trail designation may be an important part of preserving this story and sites, any authorized study should include sufficient lati-

tude to determine if that is indeed the best way to accomplish the task. To that end, we are ready to work with the bill's sponsor, the State of New Mexico and the Navajo and Mescalero to determine the most appropriate action.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

HAROLD CRAIG MANSON,  
*Assistant Secretary for Fish and Wildlife and Parks.*

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 1384, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### Public Law 90-543

AN ACT To establish a national trails system, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SHORT TITLE

SECTION 1. This Act may be cited as the "National Trails System Act".

SEC. 5. (a) \* \* \*

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

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( ) *The Long Walk Trail, a series of routes which the Navajo and Mescalero Apache Indian tribes were forced to walk beginning in the fall of 1863 as a result of their removal by the United States Government from their ancestral lands, generally located within a corridor extending through portions of Canyon de Chelly, Arizona, and Albuquerque, Canyon Blanco, Anton Chico, Canyon Piedra Pintado, and Fort Sumner, New Mexico.*

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